THE HON'BLE SRI JUSTICE R.SUBHASH REDDY

WRIT PETITION NO.13699 OF 2005

DATED 22-09-2005.

Between:

Y.Maddulety

.... Petitioner

And

The Superintendent of Police,

Kurnool District and 5 others

.... Respondents

THE HON'BLE SRI JUSTICE R.SUBHASH REDDY

WRIT PETITION NO.13699 OF 2005.

ORDER:

This writ petition is filed seeking a mandamus to declare the action of respondents in not arresting the respondents 4 to 6 in Cr.No.43 of 2005 of Orvakal Police Station, Kurnool District, as illegal and arbitrary.

It is the case of the petitioner that despite the fact that a crime has been registered against the respondents 4 to 6 under Sections 323, 324 read with 34 IPC and Section 3(i) (x) of Scheduled Castes and Scheduled Tribes Act, respondents
1 to 3 have not taken any steps to arrest them.

The 3rd respondent has filed a counter-affidavit. While admitting that the

petitioner lodged a complaint with him on 30-04-2005, he stated that the second respondent, who is the competent authority, investigated into the veracity of the complaint and submitted a report stating that the complaint is false. It is further stated that steps are being taken for filing a final report, as contemplated under Section 173 Cr.PC.

In view of the explanation made by the 3rd respondent in the counter-affidavit, it cannot be said that the respondents have not taken any steps on the complaint lodged by the petitioner. Merely because, respondents 4 to 6 are not apprehended, the petitioner cannot approach this Court. It is for the respondents 1 to 3 to investigate on the complaint and take steps accordingly.

In that view of the matter, I do not find any merits in the writ petition and is accordingly dismissed. No costs.

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R.SUBHASH REDDY,J

DATED:22-09-2005.

Lrkm